

1 Bradley C. Gage, Esq., S.B. No. 117808
2 Milad Sadr, Esq., S.B. No. 245080
2 **LAW OFFICES OF GOLDBERG & GAGE**
3 A Partnership of Professional Law Corporations
3 23002 Victory Boulevard
4 Woodland Hills, California 91367
4 Tel: (818) 340-9252 Fax: (818) 340-9088

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 17 2014

5 In Association with
6 Peter J. Horton S.B. No. 227678
6 **THE HORTON LAW GROUP**
7 30700 Russell Ranch Road Suite 250
7 Westlake Village, California 91362
8 Attorneys for Plaintiff,
9 SOCHILT MARTINEZ

BY Tawny Martin Del Campo
TAWNY MARTIN DEL CAMPO, DEPUTY



10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN BERNARDINO**

13 SOCHILT MARTINEZ,) CASE NO: **CIVDS1415690**
14 Plaintiff,)
15 v.)
16 CITY OF SAN BERNARDINO; and DOES)
17 1-100, inclusive,) 1. Harassment/Hostile Work Environment.
18 Defendants.) 2. Discrimination
19) 3. FEHA Retaliation
) 4. Violation of POBRA
) 5. Failure to Take Corrective Action

21 **GENERAL ALLEGATIONS**

22 COMES NOW PLAINTIFF SOCHILT MARTINEZ (hereafter "PLAINTIFF" or "MARTINEZ")
23 who demands a jury trial, and seeks monetary compensation against all of the Defendants, as follows:

24 **GENERAL ALLEGATIONS**

25 1. Plaintiff MARTINEZ was, at all times applicable, a resident of the County of San Bernardino in
26 the State of California.
27 2. Defendants CITY OF SAN BERNARDINO and DOES 1 - 30 (hereinafter collectively referred to
28 as "CITY") are Municipalities, employers, or had some other agency, joint venture, partnership,

1 management, directorship, or employment type of relationship with plaintiff and the other
2 defendants (whether named herein or designated as Does.)

3 Defendants DOES 31 - 60, and each of them, were directors, managers, supervisors, council
4 members, or otherwise employed by defendant CITY, or other entities designated herein as a
5 DOE. Said defendants are hereinafter collectively referred to as "defendants" or as part of
6 defendant "CITY."

7 Each of the individual Defendants were in managerial positions, supervisorial positions or
8 otherwise in charge of Plaintiff or in some other manner able to control the terms and conditions
9 of plaintiff's employment.

10 CITY is a City within the County of San Bernardino.

11 The true names or capacities, whether individual, corporate, associate or otherwise, of defendants
12 DOES 1 through 100, inclusive, are unknown to plaintiff and therefore plaintiff sues these
13 defendants by such fictitious names. Plaintiff will amend this complaint to allege their true
14 names and capacities when ascertained. Plaintiff is informed and believes and based thereon
15 alleges that each of these fictitiously named defendants is responsible in some manner for the
16 occurrences herein alleged, and that plaintiff's damages as herein alleged were proximately
17 (legally) caused by their conduct.

18 Plaintiff is informed and believes and thereon alleges that each of the defendants, including the
19 fictitiously named defendants, was the agent and employee of each of the remaining defendants,
20 and in doing some of the things hereinafter alleged, was acting within the scope and course of
21 such agency or employment so that each defendant is vicariously responsible for the other
22 defendants. Plaintiff further alleges that defendants and each of them acted in concert with one
23 another to cause harm (either negligently, recklessly or intentionally) to plaintiff and did cause
24 harm to plaintiff. Plaintiff further alleges that the acts and conduct of said defendants, as
25 hereinafter alleged, were intentional, harassing and/or retaliatory, were not related to personnel
26 actions and were neither a risk, an incident, nor a normal part of plaintiff's employment. To the
27 extent such actions by defendants were related to employment, such conduct was in violation of
28 written or implied employment contracts, MOUs, policies, procedures or otherwise wrongful

1 and/or illegal.

2 8. Plaintiff is further informed and believes that at all times relevant hereto, each of the defendants

3 and the fictitiously named defendants acted in concert and in furtherance of each others interest.

4 9. Plaintiff MARTINEZ has exhausted all administrative remedies. On or about May 1, 2014, a

5 complaint was filed with the Department of Fair Employment and Housing, which issued an

6 immediate right to sue. A true and correct copy of the complaint and Right to Sue is attached

7 hereto as exhibits "1". On or about October 14, 2014, a Government Claim was filed with the

8 City of San Bernardino. A true and correct copy of the Government Claim is attached hereto as

9 exhibit "2".

10 **FACTS APPLICABLE TO ALL CLAIMS**

11 10. MARTINEZ is a Latina. Like other similarly situated Latinas, MARTINEZ was subjected to

12 harassment and disparate treatment from Defendants, and forced to endure discriminatory and

13 harassing statements from defendants.

14 11. MARTINEZ is a Police Officer with the San Bernardino Police Department. She started her

15 employment on March 21, 2006. As an employee, Martinez has received awards from the

16 Department including the Medal of Valor in 2011, DUI/MADD for 2013, two Grand Theft Auto

17 pins, six master pins and a sharp shooter commendation.

18 12. Plaintiff complained to Lieutenant Dario Robinson and Lieutenant Micheal Madden about the

19 harassment she received from a supervisor in 2008. Specifically, Sergeant Kim Hearns would

20 make comments about her body, and when Plaintiff rebuffed Hearns advances he filed complaints

21 against Plaintiff with Internal Affairs.

22 12. Plaintiff was also sent text messages containing visual images of male private parts,

23 propositioned for sex by her supervisors, and being subject to sexually explicit comments about

24 her body. After Plaintiff complained about the hostile work environment, the defendants took no

25 action to prevent the continued harassment.

26 12. After Plaintiff complained of harassment in 2008, she was subjected to numerous retaliatory

27 adverse actions, including, without limitation, numerous bogus Internal Affair (IA) complaints, a

28 lack of promotional opportunities and a notice of intent to terminate.

1 13. As a direct and legal result of the actions of the defendants and each of them plaintiff suffered
2 with economic and non economic damages in a sum according to proof and in excess of the
3 minimum jurisdiction of the Superior Court. Plaintiff further has incurred and/or will incur
4 litigation costs and attorneys fees in a sum according to proof. These damages, harm and
5 injuries were caused by the actions of the defendants and each of them.

6 **FIRST CAUSE OF ACTION FOR HARASSMENT**

7 **AGAINST DEFENDANT CITY OF SAN BERNARDINO.**

8 14. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this
9 reference with the same effect as if realleged herein.

10 15. Defendant CITY's employees, on multiple occasions, engaged in unwelcome and unsolicited
11 comments and actions of a sexual nature against MARTINEZ.

12 16. Beginning in 2008 and continuing until the present, MARTINEZ was subjected to regular and
13 frequent sexual harassment from supervisors and co-workers.

14 17. For instance, MARTINEZ was regularly told by Defendant's employees: (a) "I like your sexy
15 body, I want to fuck you and put it in your ass," (with various permutations); (b) "have you ever
16 been with a black guy, because I have a big black dick that would change your mind" (with
17 various permutations); (c) various comments about her breasts; (d) she should be a prostitute; (e)
18 she would make more money as a hooker; (f) sexual comments about plaintiff's nipples.

19 18. Beginning in 2008 and continuing until the present, Plaintiff was subjected to offensive touching
20 of her body.

21 19. These comments and others are of a continuing and frequent nature and continued to within less
22 than one year of the filing of plaintiff's DFEH complaint.

23 20. Additionally, Defendants, frequently and on a continuous basis, made unwanted comments to
24 MARTINEZ about her Hispanic origin, including but not limited to:(a) plaintiff's hair ties as a
25 "chola hair piece"; (b) plaintiff should become a border patrol officer because, "you have the
26 look, she would fit right in;" (c) "Chola;" (d) "ghetto LA girl;" (e) "Chunti;" (f) "Paisa;" (g)
27 "Wetback."

28 21. Further, Plaintiff has been ridiculed by officers and supervisors of the San Bernardino police

1 department for her accent, the manner in which she wears her hair, and the type of clothing she
2 wears.

3 22. Additionally, Plaintiff has also been subjected to inappropriate comments made to other San
4 Bernardino police officers. For instance, Officer Araceli Mata, another Hispanic female officer,
5 was asked, while pregnant, if "this was her tenth kid". Additionally, another officer referred to a
6 child of black and Hispanic descent as "Trayvon," referencing Trayvon Martin.

7 23. Supervisors were well aware of the harassment. In fact, a captain stated, "Some people like to go
8 after the low hanging fruit." Yet, the captain refused to prevent the continued harassment.

9 24. On or about March 2014, Plaintiff was transferred from her shift. Plaintiff's supervisor became
10 Sergeant Shauna Gates. On various occasions, Sgt. Gates would ask, "Why am I getting in trouble
11 for Todd sticking his dick in Sochi?" Further, Sgt. Gates inquired into Plaintiff's relationship with
12 Sergeant Ziegler, and how serious they were. Sgt. Gates told plaintiff that she "needed to fix her
13 messed up reputation." Sgt. Gates stated that Lt. Walker hated Gates because she did not sleep
14 with him. Gates then inquired as to whether Walker had propositioned MARTINEZ for sex.

15 25. Further, other officers made sexually derogatory comments in light of the transfer. For instance,
16 one officer stated, "Hey Sochi, what are you going to do now that you have a new sergeant and
17 she is Gates, you can't screw this sergeant, but if you do take a video and show it to all of us."

18 26. The severe and pervasive comments by Defendants were uninvited, unwanted, unwelcome and
19 unreasonably interfered with MARTINEZ's work environment, creating an offensive working
20 environment.

21 27. As a direct and legal result of the actions of defendants and each of them, plaintiff was harmed,
22 damaged and injured, and will likely suffer future harm, damages and injuries including without
23 limitation general (non economic) and special (economic) damages, attorneys fees, litigation costs
24 and such further damages and harms as presented at trial, and in a sum exceeding the minimum
25 jurisdiction of the Superior Court.

26 **SECOND CAUSE OF ACTION FOR DISCRIMINATION**

27 **AGAINST DEFENDANT CITY OF SAN BERNARDINO.**

28 28. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this

1 reference with the same effect as if realleged herein.

2 29. Defendants treated plaintiff worse and differently because of her gender/sex as well as his
3 race/national origin.

4 30. MARTINEZ, on numerous occasions, has heard San Bernardino officers and supervisors make
5 racially motivated statements directed at her and citizens. Plaintiff has been called a "Chola," and
6 a "ghetto LA girl." Plaintiff has been ridiculed by officers and supervisors of the San Bernardino
7 police department for her accent, the manner in which she wears her hair, and the type of clothing
8 she wears. Plaintiff has been called a "Chunti," "Paisa," and a "Wetback" by fellow officers.
9 Plaintiff has also been subjected to inappropriate comments made to other San Bernardino police
10 officers. For instance, Officer Araceli Mata, another Hispanic female officer, was asked, while
11 pregnant, if "this was her tenth kid". Additionally, another officer referred to a child of black and
12 Hispanic descent as "Trayvon," referencing Trayvon Martin.

13 31. Plaintiff suffered various adverse employment actions, including but not limited to, additional
14 scrutiny of her work; write-ups that were not warranted; training forms; removed from honor
15 guard; removed from explorer program; denied numerous speciality assignments; and denied
16 ability to promote to other higher ranking assignments and pay.

17 32. In stark contrast, males and/or non-Latinos were not subject to increased scrutiny, did not receive
18 unwarranted write-ups; were not given training forms; placed in honor guard; placed in the
19 explorer program; given speciality assignments; given promotions; and given prestigious or high-
20 ranking assignments.

21 33. MARTINEZ's gender and race/national origin was a motivating reason for the adverse
22 employment action(s).

23 34. Plaintiff suffered general and special damages, costs, attorneys fees, and lost interest as a
24 direct and legal result of the conduct of defendants and each of them.

25 **THIRD CAUSE OF ACTION FOR FEHA RETALIATION**
26 **AGAINST CITY OF SAN BERNARDINO**

27 35. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this
28 reference with the same effect as if realleged herein.

1 36. Plaintiff complained about harassment by Defendants, and a formal complaint was brought by
2 plaintiff in August 2008.

3 37. Plaintiff was never interviewed by defendants in connection with her claims of harassment, in
4 particular against Sergeant Hearns. Instead, Plaintiff was ordered to write each incident of
5 harassment and discrimination in the form of a memorandum. Plaintiff's memorandum was given
6 to internal affairs. Two weeks after Plaintiff submitted the memorandum, she was served with a
7 Notice of Intent to Terminate.

8 38. In 2010, the notice of intent to terminate was rescinded in a *Skelly* hearing before a new chief of
9 police, but still received an unwarranted reprimand.

10 39. In 2014, Hearns escorted plaintiff to her unit to retrieve her equipment and stated he was taking
11 this action because plaintiff had filed a claim. Hearns' actions were atypical.

12 40. After filing her complaint, Plaintiff suffered various adverse employment actions, including but
13 not limited to, additional scrutiny of her work; write-ups that were not warranted; training forms;
14 removed from honor guard; removed from explorer program; denied numerous speciality
15 assignments; and denied ability to promote to other higher ranking assignments and pay.

16 41. As a direct and proximate cause of defendants' conduct the plaintiff suffered damages as alleged
17 herein, in a sum in excess of the minimum jurisdiction of this court and to be proven at time of
18 trial.

19 **FOURTH CAUSE OF ACTION**

20 **FOR VIOLATION OF THE PEACE OFFICERS BILL OF RIGHTS (POBR)**

21 **AGAINST DEFENDANT CITY OF SAN BERNARDINO**

22 42. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this
23 reference with the same effect as if realleged herein.

24 43. All peace officers in the State of California are entitled to protection under the POBR.

25 44. The POBR provides Due Process protection by virtue of a peace officer's position, and entitled to
26 protection under the Peace Officers Bill of Rights found in California Government Code Section
27 3300 et seq. and by common law. (For example, discipline (*i.e.* termination) without providing
28 procedural safeguards violates *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, 215, which

1 specifically provides that:

2 [D]ue process does mandate that the employee be accorded certain procedural rights
3 before the discipline becomes effective. As a minimum, these pre-removal safeguards
4 must include notice of the proposed action, the reasons therefor, a copy of the charges and
materials upon which the action is based, and the right to respond, either orally or in
writing, to the authority initially imposing discipline. *Id.*

5 45. The POBR's safe guards include how many individuals may interrogate an officer, the
6 information that an accused is entitled to receive and other procedural protections. Defendants
7 and each of them wilfully violated the POBR.

8 46. On or about June 2014, Plaintiff was called into supervisor's office and forced to give a
9 statement. Plaintiff was under investigation, and subject to questions that could lead to punitive
10 measures.

11 47. Plaintiff asked for a representative, but was denied one. Plaintiff asked if she could leave, but was
12 ordered to answer her supervisor's questions and provide a statement.

13 48. Thus, Defendants violated section 3303 of the Government Code.

14 49. When a police agency violates the POBR, employees are entitled to civil penalties, attorneys fees,
15 costs and damages, all of which plaintiff seeks.

16 **FIFTH CAUSE OF ACTION**

17 **FOR FAILURE TO TAKE CORRECTIVE ACTION**

18 **AGAINST DEFENDANT CITY OF SAN BERNARDINO.**

19 50. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this
20 reference with the same effect as if realleged herein.

21 51. Defendants had an obligation to take corrective action to prevent further harassment of its
22 employees, but failed to do so in violation of California *Government Code* Section 12940(k) and
23 other applicable portions of the *Government Code*. Defendants failed to conduct proper
24 investigations, implement proper policies to prevent discrimination, harassment or retaliation, and
25 failed to properly punish those who engaged in misconduct to deter further such actions in the
26 future.

27 52. Numerous City officials were aware that MARTINEZ was being targeted with harassment,
28 retaliation, and/or discrimination. Yet, City officials chose to take no corrective action and

1 attempted to fire MARTINEZ instead of taking appropriate action, as required by law. The
2 conduct of defendants is more egregious because of prior complaints of harassment, which
3 defendants failed to take corrective action.

4 53. Recently, Plaintiff returned from disability leave after being placed off of work by her doctor for
5 stress related to her continued harassment at the City of San Bernardino. Immediately, upon her
6 return to work, Martinez was subject to retaliation by Sergeant Beall who counseled Plaintiff for
7 an alleged report writing issue.

8 54. Whether the department is advised of sexual harassment, racial harassment or other violations of
9 law (e.g. civil rights, equal protection, FEHA) the police department has an obligation to protect
10 the public trust as well as a legal obligation to investigate claims of discrimination, harassment or
11 retaliation and then take corrective action. Once defendants demonstrate a policy and practice of
12 indifference to any type of discrimination, harassment or retaliation, it sends a message to
13 members of the San Bernardino police department that discrimination, harassment or retaliation
14 are acceptable in the police department, creating a situation where employees of the San
15 Bernardino Police Department are more likely to become victims of discrimination, harassment or
16 retaliation. Thus, defendants have failed in their obligations to take corrective action and prevent
17 further discrimination, harassment or retaliation .

18 55. Plaintiff complained about the harassment she has received from numerous officers and
19 supervisors. After Plaintiff filed her complaint, she suffered adverse actions, including greater
20 scrutiny, bogus investigations, written reprimands, failure to promote, and denial of assignments.

21 56. As a direct and legal result of the actions, and failures to act by defendants toward plaintiff,
22 plaintiff lost earnings, earning opportunities, incurred medical bills, hospital bills or other types of
23 expenses. Plaintiff lost other benefits of employment, incurred attorneys fees and litigation costs
24 and has incurred or will in the future likely suffer from other special and general damages in a
25 sum according to proof and in excess of this courts jurisdiction, as well as damage to his
26 reputation.

27 WHEREFORE , plaintiff prays for the following:

28 1. Special/economic damages, including without limitation, loss of earnings and back pay including

1 any increased tax liability thereon;

2 2. Loss of future earnings, promotions, opportunities to promote, front pay and all other

3 employment benefits, such as pension rights;

4 3. All other lost pension, insurance and other employment benefits;

5 4. Medical, hospital and psychological bills, including past, present and future bills;

6 5. General damages/non economic damages;

7 6. Litigation costs;

8 7. Attorneys fees;

9 8. Interest;

10 9. Civil Penalties

11 10. Damages for increased income tax payments as a result of receiving compensation in one lump

12 sum, rather than spread out over time, which increases the percentage at which plaintiff will be

13 taxed; and

14 11. Any other relief or damages allowed by law, or statutes not set out above and such further relief

15 as the Court deems just and proper at conclusion of trial.

16

17 Dated: October 14, 2014

LAW OFFICES OF GOLDBERG & GAGE &
THE HORTON LAW GROUP APC

18

19 By: 

20 Bradley C. Gage
Milad Sadr
Peter J. Horton
21 Attorneys for Plaintiff

22

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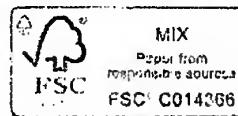
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STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

GOVERNOR EDMUND G. BROWN JR.
DIRECTOR PHYLLIS W. CHENG

May 01, 2014

Sochilt Martinez
c/o: Law Offices of Goldberg Gage 23002 Victory Blvd.
Woodland Hills, CA 91367

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 244415-103898-R
Right to Sue: Martinez / City of San Bernardino Police Department,

Dear Sochilt Martinez:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 01, 2014 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

Enclosures

cc: City of San Bernardino Police Department



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

GOVERNOR EDMUND G. BROWN JR.

DIRECTOR PHYLLIS W. CHENG

May 01, 2014

RE: Notice of Filing of Discrimination Complaint

DFEH Number: 244415-103898-R

Right to Sue: Martinez / City of San Bernardino Police Department

To All Respondent(s):

Enclosed is a copy of an complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA Department of Fair Employment and Housing

EMPLOYMENT RIGHT TO SUE

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH NUMBER
244415-103898-R

COMPLAINANT
Sochilt Martinez

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT	ADDRESS	PHONE
City of San Bernardino Police Department	710 North D Street San Bernardino CA 92401	(909) 384-5742

NO. OF EMPLOYEES	MOST RECENT DISCRIMINATION TOOK PLACE	TYPE OF EMPLOYER
0	May 01, 2014	

CO-RESPONDENT(S)	ADDRESS
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STATE OF CALIFORNIA | Department of Fair Employment and Housing

EMPLOYMENT RIGHT TO SUE

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH NUMBER
244415-103898-R

I ALLEGE THAT I EXPERIENCED	Discrimination, Harassment, Retaliation
ON OR BEFORE	May 01, 2014
BECAUSE OF MY	Association with a member of a protected class, Disability, Engagement in Protected Activity, National Origin - including language use restrictions, Other Medical Condition
AS A RESULT, I WAS	Asked impermissible non-job-related questions, Denied a work environment free of discrimination and/or retaliation, Other Harassed, discriminated against, retaliated, and harmed.

STATEMENT OF FACTS

The City of San Bernardino failed to take corrective action, and allowed improper comments.



STATE OF CALIFORNIA | Department of Fair Employment and Housing

EMPLOYMENT RIGHT TO SUE

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH NUMBER
244415-103898-R

SIGNED UNDER PENALTY OF PERJURY

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

Verified by Sochilt Martinez, Complainant, and dated on May 01, 2014 at Woodland Hills, CA.

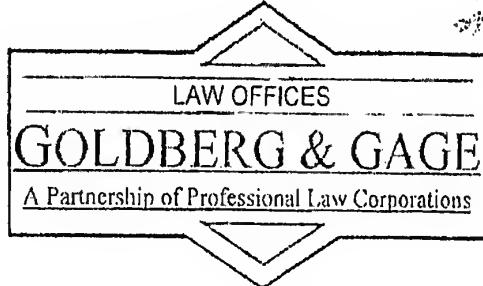
EXHIBIT 2

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Terry M. Goldberg*

Milad Sadr



Bradley C. Gage*

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

October 14, 2014

Via Certified Mail, Return Receipt Requested

7013 3020 0000 0132 8347

City of San Bernardino Clerk's Office
City Hall
300 North "D" Street
San Bernardino, CA 92418

Re: **Government Claim of Sochilt Martinez**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim.

A. NAME OF THE CLAIMANTS:

Sochilt Martinez

B. ADDRESS TO SEND ALL NOTICES:

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:

Retaliation, discrimination, harassment under the Fair Employment and Housing Act
Whistle Blower Retaliation

Violation of Police Officer's Bill of Rights.
Bane Act

All peace officers in the State of California are entitled to protection under the POBR. The POBR provides Due Process protection by virtue of a peace officer's position, and entitled to protection under the Peace Officers Bill of Rights found in California Government Code Section 3300 et seq. and by common law. (For example, discipline (i.e. termination) without providing procedural safeguards violates *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194,

215. The POBR's safe guards include how many individuals may interrogate an officer, the information that an accused is entitled to receive and other procedural protections. Defendants and each of them wilfully violated the POBR.

On or about June 2014, Plaintiff was called into supervisor's office and forced to give a statement. Plaintiff was under investigation, and subject to questions that could lead to punitive measures. Plaintiff asked for a representative, but was denied one. Plaintiff asked if she could leave, but was ordered to answer her supervisor's questions and provide a statement. Thus, Defendants violated section 3303 of the Government Code.

D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.

General, special (economic and non economic) damages and punitive including without limitations: damages for potential medical treatment; psychological treatment; psychiatric treatment; loss of earnings opportunities and future earning opportunities; loss of reputation; embarrassment and humiliation. Attorneys fees, and future attorneys fees, litigation costs and experts charges all in a sum to be proven at time of trial and such other damages as presented at trial. Plaintiff also suffered job loss, lost opportunities, retaliation preventing him from other job opportunities. Lost reputation, damages to reputation, and lost interest and such other damages as determined at time of trial.

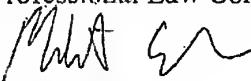
E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

City of San Bernardino Police Department command staff and IA investigators.
Discovery continuing.

F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations


By Milad Sadr



7013 3020 0000 0132 8347
CITORY BOULEVARD
AND HILLS, CA 91367

\$6.480
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City of San Bernardino Clerk's Office
City Hall
300 North "D" Street
San Bernardino, CA 92418

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